IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.15823 of 1997
DATED 8.2.2007

BETWEEN

B.Satyanarayana

..
Petitioner

And

The Regional Manager, APSRTC,
Warangal Region, Hanamkonda, Warangal
and another.

.. Respondents

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.15823 of 1997

ORDER:

The petitioner seeks preference in employment and to be appointed as a Conductor pursuant to G.O.Ms.No.69, GAD dated 18.2.1987. The petitioner also questions the condition imposed by the respondents in the notification prescribing the eligibility criteria as a pass in SSC in a single attempt and not compartment.

The petitioner would contend that since he worked during the NGO's strike period, he is entitled for preferential treatment in terms of G.O.Ms.No.69 GAD dated 18.2.1987 and the mere fact that he passed SSC examination compartmentally and not in the first attempt, cannot be put against him to deny him appointment as a Conductor in the respondent Corporation. It is not clear as to whether G.O.Ms.No.69 GAD dated 18.2.1987 is applicable to the employees of the APSRTC. Even if it were to be assumed that the said G.O. applies, all that it stipulates is that the employees who are appointed on adhoc basis or daily wages during the strike period should be given preference in matters of employment, all other things being equal. Thus, in cases where two candidates possess or are found to be possessing equal merit, candidates were entitled for the benefit under G.O.Ms.No.69 dated 18.2.1987 and given preference. No right flows in favour of the petitioner pursuant to G.O.Ms.No.69 dated 18.2.1987 to contend that he should be appointed as a conductor even in case he does not fulfil the eligibility criteria stipulated in the notification.

With regard to the contention that fixation of the eligibility criteria of having passed SSC in a single attempt and in not permitting those who had passed SSC compartmentally is arbitrary and is in violation of Articles 14 and 16 of the Constitution, it is required to

be noted that these are all matters for the Corporation, in its wisdom, to decide. If the Corporation chooses only to select candidates who passed SSC in a single attempt and not compartmentally, it cannot be said that the same violates Articles 14 and 16 of the Constitution of India.

The writ petition fails and it is accordingly dismissed.

RAMESH RANGANATHAN,J

Dt: 07.02.2007
msv.